Title V/Clean Air Act: Petition to Object Filed Addressing Other Basic Organic Chemical Manufacturing Facility in Harris County, Texas



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Harris County, Texas filed a Title V Petition to Object ("Petition") before the United States Environmental Protection Agency ("EPA") related to Lubrizol Corp. ("Lubrizol") Deer Park Plant. See Title V Air Operating Permit No. O1932.

The Lubrizol Deer Park Plant is described as an Other Basic Organic Chemical Manufacturing plant located in Harris County, Texas.

The Title V Petition objects to the renewal of proposed federal Operating Permit No. O1932 issued by the Texas Commission on Environmental Quality ("TCEQ").

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States that administer Title V do so through adopted implementation plans. These plans are submitted to and approved by EPA.

The intent of a Title V Permit is to organize into a single document all of the requirements that apply to the Permit holder. 42 U.S.C. § 7661 requires that states submit each proposed Title V Permit to EPA for review. Section 505(b)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V Permit in writing within 45 days of the receipt of the proposed Permit (and all necessary supporting information) if the agency determines it is not in compliance with the applicable requirements of the Clean Air Act.

If EPA does not object to a Permit, Section 505(b)(2) provides that any person may petition the EPA Administrator within 60 days of the expiration of the 45-day review period to object to the Permit.

Harris County alleges as grounds for objection the following:

- EPA Must Object to the Lubrizol Permit because TCEQ did not Provide Adequate Public Access for the Renewal of Draft Permit O1932.
- TCEQ failed to provide HCAO actual access to permitting materials at its Central Office and failed to provide adequate instructions on how to physically access documents in its possession.
- HCAO visited TCEQ's Central Office twice, on two separate dates, to view and access documents relevant to this permitting action and were denied access to view the documents at the Central Office.
- TCEQ does not adequately address, explain, nor rebut many of the issues HCAO raised in its comment regarding the public access issues.

- Disagrees that TCEQ claims that documents were available online and therefore were publicly accessible and uploading documents does not relieve the state agency of the required duties.
- TCEQ does not adequately address HCAO's concern that HCAO has consistently encountered issues in attempting to gain access to permitting documents, nor does it address the incorrect and contradictory information consistently given to HCAO by TCEQ staff.

A copy of the Petition can be downloaded here.